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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/280,699	03/30/1999	TAKAHIRO MATSUMURA	990377	6201

23850 7590 11/18/2002

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[REDACTED]
EXAMINER

CRAVER, CHARLES R

[REDACTED]
ART UNIT PAPER NUMBER

2685

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No. 09/280,699	Applicant(s) Matsumura
Examiner Charles Craver	Art Unit 2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Aug 27, 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) The period for reply expires _____ months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
- (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see NOTE below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. Applicant's reply has overcome the following rejection(s):

4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see attached action
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1, 4, 7, 10, and 16-21

Claim(s) withdrawn from consideration: _____

8. The proposed drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.
9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). edward f. urban
10. Other:

EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 2-25-02 have been considered but are not persuasive.

First, regarding the applicant's statements regarding Braitberg, the examiner upholds the rejection for the following reasons. Note first that Braitberg discloses that handheld devices vary in types (col 1 line 62-col 2 line 10) and communication protocols (col 4 lines 39-61). While Braitberg discloses look-up of a model number, Braitberg also states that a phone "type" can also apply to e.g. the communications type, note in col 2 lines 6-10, where a phone is identified as an "AMPS type phone". Further, even given a strict reading of the claim limitation, as interpreted by the applicant, Braitberg expressly discloses that signal protocols are a part of the identification of the mobile device. See col 9, lines 15-27, where it is stated that in a "typical operation", after the cellular phone type is determined, "the processor next establishes the necessary interfacing voltages, *signal protocols* and interconnections to allow the base unit to communicate with the phone in an appropriate manner compatible with the type of phone attached. (emphasis added)" Therefore, the identification of the type of phone includes the "signal protocols" necessary for communication with the base unit. This would, of course, read on the "communication protocol employed by the portable telephone set," stated in e.g. claim 1.

Further regarding the claimed "operation start signal and response", the examiner asserts that, since Braitberg discloses the use of a coded signal, as also stated by the applicant (arguments page 4 line 19-page 5 line 1), and said signal, by identifying the phone type identifies said signal protocol, then it would have been obvious to one of ordinary skill in the art at the time

of the invention to use the coded signal with a start operation in order to synchronize the identification data. Otherwise, the data exchange would not work correctly. As to the present invention, which may identify the communication protocol etc. via an ‘active mechanism’, as opposed to the ‘passive mechanism’ of Braitberg, e.g. the act of looking up information in the device, the claims as written do not patentably distinguish between said mechanisms, but rather merely states that the identification is based “on a response with respect to a signal.” Note also that Braitberg teaches a signal received from the phone unit for the purposes of identifying the phone type, see col 8 lines 45-61.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Craver whose telephone number is 703-305-3965. The examiner can normally be reached on Monday thru Friday: 9-18:30, off 1st Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Ed Urban can be reached on 703-305-4385. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6306 for regular communications and 703-308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Charles Craver

Examiner

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cc

October 31 2002